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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,186	09/08/2000	Steven Metsker	05793.3041-00	3333
22852	7590	03/30/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			WASYLCHAK, STEVEN R	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/658,186

Applicant(s)

METSKER ET AL.

Examiner

Steven R. Wasylchak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gershman et al (US 6,401,085).

Claims:

1. A method for providing solicitations and web-based offers and receiving corresponding responses thereto comprising the steps of:  
providing a solicitation to a set of users sharing pre-selected characteristics,  
incorporating in the solicitation at least one and a universal resource locator (URL) corresponding to a web site;/abstract; fig 1A; fig 25. The reference fails to

teach the feature of a code.

Official notice is taken that this feature is old and well known in the e-commerce art and / or retail art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of security.

receiving a request to access the web site; providing an offer; and

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receiving responses to the offer./ abstract; fig 1A; fig 25

2. The method of claim 1, wherein the user enters the code incorporated in the

solicitation at the web site and the offer provided the user corresponds to the code./ abstract; fig 1A; fig 25

3. The method of claim 1, wherein the solicitation is sent through electronic means.

4. The method of claim 1, wherein receiving a request further includes: providing a customer identification number; and abstract; fig 1A; fig 25 using the customer identification number to verify a user./ abstract; fig 1A; fig 25

5. The method of claim 1, wherein the offer provides for adjusting existing customer account terms./ abstract; fig 1A; fig 18,25

6. The method of claim 1, wherein the offer includes terms for new customers./ abstract; fig 1A; fig 18,25

7. The method of claim 1, further including: adjusting a customer's account terms based on the response./ abstract; fig 1A; fig 19,25

8. The method of claim 1, further including: creating a new customer account based on the response./ abstract; fig 1A; fig 25

9. The method of claim 1, further including saving a user's access history.  
/abstract;

fig 1A; fig 18,19,25

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10. The method of claim 9, further including:

analyzing the user's access history; and

modifying the offer based on the analysis./ abstract; fig 1A; fig 19,25

11. The method of claim 1, wherein a customer's account is automatically updated

based on the response./ abstract; fig 1A; fig 25

12. A method for accessing web-based offers comprising the steps of:

receiving a solicitation with at least one of a code and a universal resource locator (URL)

accessing a web site through the URL;

receiving a set of offers; and

providing a response to the offer at the web page./ refer to cl 1

13. The method of claim 12, further including:

providing the code at the web page; and

receiving the set of offers corresponding to the code./ refer to cl 1

14. The method of claim 12, wherein the set of offers relate to at least one of cellular

telephone products and services./ abstract, claim 1

15. The method of claim 12, wherein the set of offers relate to financial services./ abstract, claim 1

16. A method for providing web-based offers and receiving responses thereto comprising the steps of:

providing a host web site including a prompt for a code

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receiving the code at the prompt

displaying a set of unique offers; receiving a response to the set of

offers./ refer to cl 1

17. The method of claim 16, wherein the set of offers relate to at least one of cellular "telephone products and services./refer to cl 14

18. The method of claim 16, wherein the set of offers relate to financial services./refer to cl 18

19. An apparatus for providing solicitations and web-based offers and receiving corresponding responses thereto comprising:  
a providing module for providing a solicitation to a set of users sharing pre-selected characteristics, incorporating in the solicitation at least one of a code and a

universal resource locator (URL) corresponding to a web site;

a receiving module for receiving a request to access the web site; a providing module for providing an offer; and

a receiving module for receiving responses to the offer./ refer to cl 1

20. The apparatus of claim 19, wherein the user enters the code incorporated in the solicitation at the web site and the offer provided the user corresponds to the code. / refer to cl 2

21. The apparatus of claim 19, wherein the solicitation is sent through electronic

means. / refer to cl 3

22. The apparatus of claim 19, wherein the receiving module for receiving a

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request further includes:

a providing module for providing a customer identification number; and

a using module for using the customer identification number to verify a

user./refer to cl 4

23. The apparatus of claim 19, wherein the offer provides for adjusting

existing customer account terms./refer to cl 5

24. / refer to cl 6

25. /refer to cl 11

26. /refer to cl 6

27. /refer to cl 9,10

28. /refer to cl 9,10

29. /refer to cl 5

30. /refer to cl 12

31. /refer to cl 13

32. /refer to cl 14

33. The apparatus of claim 30, wherein the set of offers relate to financial

services./refer to cl 15

34. An apparatus for providing web-based offers and receiving responses

thereto comprising:

a providing module for providing a host web site including a prompt for a code;

a receiving module for receiving the code at the prompt;

a displaying module for displaying a set of unique offers;

a receiving module for receiving a response to the set of offers./ refer to cl 16

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35. The apparatus of claim 34, wherein the set of offers relate to at least one of cellular telephone products and services./ refer to cl 14

36. The apparatus of claim 34, wherein the set of offers relate to financial services./ refer to cl 15

37. A computer-readable medium containing instructions for providing solicitations and web based offers and receiving corresponding responses thereto comprising:

providing a solicitation to a set of users sharing pre-selected characteristics, incorporating in the solicitation at least one of a code and a universal resource locator (URL) corresponding to a web site; receiving a request to access the web site; providing an offer; and receiving responses to the offer./ refer all to cl 1

38. The computer-readable medium of claim 37, wherein the user enters the code incorporated in the solicitation at the web site and the offer provided the user corresponds to the code./refer to cl 2

39. The computer-readable medium of claim 37, wherein the solicitation is sent through electronic means./ refer to cl 3

40. The computer-readable medium of claim 37, wherein receiving a request further includes: providing a customer identification number; and using the customer identification number to verify a user./ refer to cl 4



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41. The computer-readable medium of claim 37, wherein the offer provides for adjusting customer account terms./refer to cl 5

42. The computer-readable medium of claim 37, wherein the offer includes terms for new customers./refer 6

43. The computer-readable medium of claim 37, further including:  
adjusting a customer's account terms based on the response./ refer to cl 7

44. The computer-readable medium of claim 37, further including: creating a new customer account based on the response./refer to cl 8

45. The computer-readable medium of claim 37, further including saving a user's  
access history/ refer to cl 9

46. The computer-readable medium of claim 45, further including:  
analyzing the user's access history; and modifying the offer based on the analysis./ refer to cl10

47.The computer-readable medium of claim 37, wherein a customer's account is automatically updated based on the response./refer to cl 11

48. A computer-readable medium containing instructions for accessing web-based offers comprising:  
receiving a solicitation with at least one of a code and a universal resource locator (URL) corresponding to a web site;/  
accessing a web site through the URL; receiving a set of offers; and  
providing a response to the offer at the web page./refer to cl 30

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49. The computer-readable medium of claim 48, further including: providing the code at the web page; and

receiving the set of offers corresponding to the code./ refer to cl 31

50. The computer-readable medium of claim 48, wherein the set of offers relate

to at least one of cellular telephone products and services./refer to cl 17

51. The computer-readable medium of claim 48, wherein the set of offers relate to financial services./refer to cl 18

52. A computer-readable medium containing instructions for providing web-based

offers and receiving responses thereto comprising:

providing a host web site including a prompt for a code; receiving the code at the prompt;

displaying a set of unique offers; receiving a response to the set of offers./ refer to cl 34

53. The computer-readable medium of claim 52, wherein the set of offers relate

to at least one of cellular telephone products and services./refer to cl 35

54. The computer-readable medium of claim 52, wherein the set of offers relate to financial services./ refer to cl 36

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This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak

  
3/19/04



DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER